

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PATENT APPLICATION OF : Dazhi CHEN *et al.*
SERIAL NO. : 09/461,336
FILING DATE : December 15, 1999
ART UNIT : 3627
EXAMINER : SHEIKH, A. M.
FOR : SYSTEM AND METHOD FOR REDUCING EXCESS
CAPACITY FOR RESTAURANTS AND OTHER INDUSTRIES
DURING OFF-PEAK OR OTHER TIMES

REQUEST TO INITIATE NEW APPEAL

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is being filed further to the Office Action mailed February 2, 2012, for which a response is due May 2, 2012. This paper is also being filed further to the Notice of Appeal filed May 4, 2011, and the Appeal Brief filed September 6, 2011. The pending Office Action re-opened prosecution in view of the Appeal Brief.

Pursuant to 37 CFR 41.31, Applicant elects to initiate a new Appeal, for which a Notice of Appeal is being submitted concurrently herewith, and such Notice is hereby given. Applicant further requests that the previously paid notice of appeal fee be applied to the new appeal. Accordingly, please charge \$350.00 (the difference between the \$270.00 fee paid May 4, 2011 and the current large entity fee of \$620.00) to Deposit Account No. 033975 (Ref. No. 043311-0313722). In addition, please charge any fee deficiencies, or credit any

overpayment, to Deposit Account No. 033975 (Ref. No. 043311-0313722) as needed to ensure consideration of the Notice of Appeal.

Date: May 2, 2012

Respectfully submitted,

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